

106TH CONGRESS
2D SESSION

H. R. 5037

To amend the Occupational Safety and Health Act of 1970.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. HALL of Texas (for himself and Mr. TAUZIN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Occupational Safety and Health Act of 1970.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Workplace Safety and Accountability Act”.

6 (b) REFERENCE.—Whenever in this Act an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-
10 sion of the Occupational Safety and Health Act of 1970
11 (29 U.S.C. 651 et seq.).

1 **SEC. 2. EMPLOYEE ACCOUNTABILITY.**

2 Section 9 (29 U.S.C. 658) is amended by adding at
3 the end the following new subsections:

4 “(d) No citation may be issued under subsection (a)
5 to an employer unless the employer knew or with the exer-
6 cise of reasonable diligence would have known of the pres-
7 ence of the alleged violation. No citation shall be issued
8 under subsection (a) to an employer for an alleged viola-
9 tion of section 5, any standard, rule, or order promulgated
10 pursuant to section 6, any other regulation promulgated
11 under this Act, or any other occupational safety and
12 health standard, if such employer demonstrates that—

13 “(1) employees of such employer have been pro-
14 vided with the proper training and equipment to pre-
15 vent such a violation;

16 “(2) work rules designed to prevent such a vio-
17 lation have been established and adequately commu-
18 nicated to employees by such employer; and

19 “(3) the failure of employees to observe work
20 rules led to the violation.

21 “(e) A citation issued under subsection (a) to an em-
22 ployer that violates the requirements of any standard,
23 rule, or order promulgated pursuant to section 6 or any
24 other regulation promulgated under this Act shall be va-
25 cated if such employer demonstrates that employees of
26 such employer were protected by alternative methods

1 equally or more protective of the safety and health of the
2 employee than the methods required by such standard,
3 rule, order, or regulation in the factual circumstances un-
4 derlying the citation.

5 “(f) Subsections (d) and (e) shall not be construed
6 to eliminate or modify other defenses that may exist to
7 any citation.”.

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